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District Counsel

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

In re

TULARE LOCAL HEALTHCARE
DISTRICT, dba TULARE
REGIONAL MEDICAL CENTER,

Debtor.

Tax ID #: 94-6002897
Address: 869 N. Cherry St.
Tulare, CA 93274

CASE NO. 17-13797

Chapter 9

DC No.: WW-26

Date: February 15, 2018
Time: 9:30 a.m.
Place: 2500 Tulare Street
Fresno, CA 93721
Courtroom 13
Judge: Honorable René Lastreto II

EXHIBITS IN SUPPORT OF MOTION FOR ORDER APPROVING AGREEMENT
RELATING TO RELIEF FROM THE AUTOMATIC STAY (CALDERON)

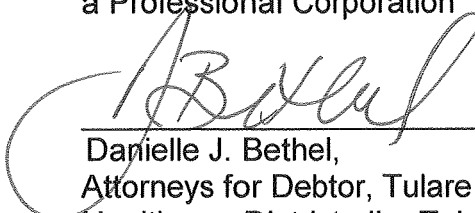
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Exhibit	Description	Pages
A	STIPULATION FOR RELIEF FROM THE AUTOMATIC STAY PURSUANT TO 11 U.S.C. § 362	4
B	[proposed] ORDER APPROVING AGREEMENT RELATING TO RELIEF FROM THE AUTOMATIC STAY	2

Dated: January 19, 2018

WALTER WILHELM LAW GROUP,
a Professional Corporation



Danielle J. Bethel,
Attorneys for Debtor, Tulare Local
Healthcare District, dba Tulare Regional
Medical Center

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STIPULATION FOR RELIEF FROM THE AUTOMATIC STAY
PURSUANT TO 11 U.S.C. § 362

EXHIBIT

Page 1 Of 4

TULARE LOCAL HEALTHCARE DISTRICT, dba Tulare Regional Medical Center ("TRMC") and JIAME CALDERON AND THE THREE CHILDREN OF JIAME CALDERON AND ANA CALDERON (deceased)(collectively "Plaintiffs"), by and through their respective counsel, hereby enter into the within Stipulation for Relief from the Automatic Stay pursuant to 11 U.S.C. § 362 (the "Stipulation"). The Stipulation is made with reference to the following:

RECITALS

1. On September 30, 2017, TRMC commenced a voluntary case under chapter 9 of title 11 of the United States Bankruptcy Code in the United States Bankruptcy Court, Eastern District of California ("Petition Date").

2. Prior to the Petition Date Plaintiff commenced an action in the Tulare County Superior Court against TRMC, styled *Jiame Calderon v. Adanna Ikedilo, M.D., Tulare Regional Medical Center, et al., U.S. District Court, Eastern District of California, Fresno Division, Case No. 1:17-cv-00040* ("Lawsuit"), seeking damages for the tort of negligence resulting in wrongful death allegedly caused by TRMC prior to the filing of the bankruptcy case ("Malpractice Claim").

3. TRMC denies the allegations made by Plaintiffs in the Lawsuit.

4. TRMC and Plaintiffs (collectively "the Parties") have agreed to allow the Automatic Stay to be modified pursuant to the terms and conditions stated herein.

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EXHIBIT

Page

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STIPULATION AND AGREEMENT

NOW, THEREFORE, subject to Court approval, the parties hereby stipulate and agree as follows:

5. The Automatic Stay shall be modified such that Plaintiffs shall be permitted to prosecute the Lawsuit to settlement or judgment against TRMC and/or the other defendants in the Lawsuit for the purposes of determining the liability and damages, if any, of TRMC and/or the other defendants with respect to the Malpractice Claim;

6. Plaintiffs' recovery against TRMC in the Lawsuit, if any, shall be limited to any proceeds available under any insurance policy, policies, or any liability coverage contracts¹, as the case may be, if any, applicable to Plaintiffs' Malpractice Claim, and not from TRMC's assets.

7. Further, Plaintiffs waive their right to collect the first \$100,000 of any settlement or judgment resulting from the Lawsuit against TRMC (representing TRMC's deductible under the Policy).

8. Accordingly, should Plaintiffs prevail in the Lawsuit as against TRMC any recovery by Plaintiffs against TRMC shall be limited to applicable insurance, or the Policy, if any, and shall further be limited by Plaintiffs' waiver of rights to collect the first \$100,000 of any settlement or judgment against TRMC as set forth above. The Lawsuit will not be prosecuted for the purpose of reaching the assets of TRMC other than applicable insurance and/or the Policy.

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¹ TRMC is a member of a risk-sharing pool (the "Policy"). Pursuant to California Government Code sections 6500 et seq., and sections 990 et seq., BETA Healthcare Group Risk Management Authority ("BETA") administers the pool under a joint powers agreement. BETA and TRMC have entered into a Stipulation for Assumption of the BETA Policy and TRMC has filed a Motion for Order Authorizing Assumption of the BETA Policy Pursuant to Stipulation ("Motion"). A hearing on the Motion is scheduled for January 25, 2018.

EXHIBIT

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1 9. Therefore, it is agreed that the Automatic Stay pursuant to 11 U.S.C. § 362 be
2 vacated as to Lawsuit on the terms and conditions provided above.

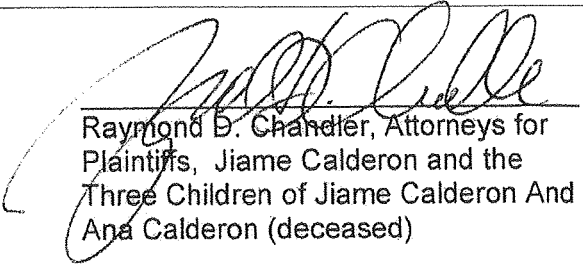
3 10. Any amendment to this Stipulation shall be made in writing, signed by both
4 Parties, and approved by the Court.

5 11. The Parties stipulate to entry of an order approving this Stipulation subject to
6 compliance with FRBP 4001, if required.
7

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9 IT IS HEREBY STIPULATED AND AGREED.
10

11 1-17-, 2018

The Law Office of Raymond Chandler

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14 
15 Raymond D. Chandler, Attorneys for
16 Plaintiffs, Jiame Calderon and the
17 Three Children of Jiame Calderon And
18 Ana Calderon (deceased)

19 1/19, 2018

20 WALTER WILHELM LAW GROUP,
21 a Professional Corporation

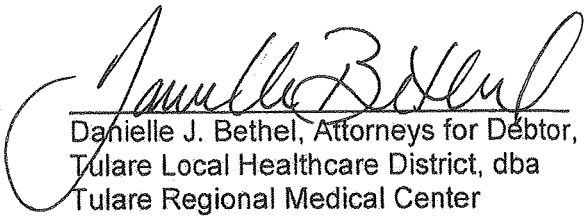
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23 Danielle J. Bethel, Attorneys for Debtor,
24 Tulare Local Healthcare District, dba
25 Tulare Regional Medical Center
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EXHIBIT
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AUTOMATIC STAY

At Fresno, in the Eastern District of California.

EXHIBIT
Page

B

Of-

The Court having received and reviewed the Motion for Approval of Agreement Relating to Relief From the Automatic Stay, the Motion having been duly and properly served and noticed, and there being no objection to the relief sought, and good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Motion be approved and said Stipulation attached to this Order as Exhibit "A" shall be, and hereby is, adopted as the Order of this Court.

Presented by:
WALTER WILHELM LAW GROUP
a Professional Corporation

Danielle J. Bethel,
Attorneys for Debtor, Tulare Local
Healthcare District, dba Tulare Regional
Medical Center

Dated: _____

United States Bankruptcy Judge

EXHIBIT B
Page 2 Of 2